

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 268	DATE	11/9/2001
CASE TITLE	G.M. Harston etc. et al. Vs. The City of Chicago et al.		


[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant inadvertently failed to respond to plaintiffs' second request to admit and far more than 30 days has passed. It moves to withdraw the resulting admissions. That motion is granted. Withdrawal will facilitate the parties ability to reach the truth and it will not unduly prejudice plaintiffs. We direct that defendant fully and fairly respond to the requests within 21 days.
- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	<div style="text-align: center;">  FILED FOR DOCKETING 01 NOV 13 PM 4:12 </div>	number of notices	<div style="text-align: center;"> Document Number 40 </div>
No notices required.		NOV 14 2001 date docketed	
Notices mailed by judge's staff.		cm docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
Mail AO 450 form.	Date/time received in central Clerk's Office		
Copy to judge/magistrate judge.			
WAH courtroom deputy's initials			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

NOV 14 2001

G.M. HARSTON CONSTRUCTION)
CO., INC., and GLENN M. HARSTON,)

Plaintiffs,)

vs.)

No. 01 C 268

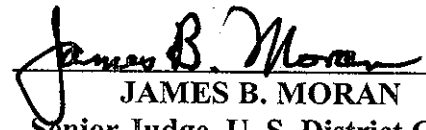
THE CITY OF CHICAGO, an Illinois)
municipal corporation, DAVID E.)
MALONE, and HARSTON/)
SCHWENDENER A JOINT VENTURE,)

Defendants.)

MEMORANDUM OPINION AND ORDER

In a paper-intensive case mistakes may well happen, and one happened here. Defendant inadvertently failed to respond to plaintiffs' Second Request to Admit and far more than 30 days has passed. It moves to withdraw the resulting admissions. That motion is granted. Withdrawal will facilitate the parties' ability to reach the truth and it will not unduly prejudice plaintiffs.

We direct that defendant fully and fairly respond to the requests within 21 days.


JAMES B. MORAN
Senior Judge, U. S. District Court

Nov. 9, 2001.